

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

MACA.No. 1642 of 2007()

OPMV.1524/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANT: PETITIONER

K.K.RAJAMMA ,W/O.SOMAN,KUNNUMKUZHIYIL
HOUSE,KUNDUKAD P.O.,AMBALAPPAD,THRISSUR.

BY ADV. SRI.V.BINOY RAM

RESPONDENTS:

1. K.N.VIJAYAN, S/O.NARAYANAN,
KUNNUMKUZHIYIL HOUSE,KUNDUKAD P.O.,
ATTUPURAM,THEKKUMKARA VILLAGE.
2. THE MANAGER, THE NATIONAL INSURANCE
CO.LTD. ROUND EAST,THRISSUR.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP
FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

M.A.C.A.No.1642 of 2007

Dated this the 5th October, 2007.

J U D G M E N T

The claimant in O.P.(M.V.)No.1524/2001, on the file of the Motor Accidents Claims Tribunal, Irinjalakuda, has filed this appeal challenging the quantum of compensation awarded to her. Petitioner sustained injuries in a motor vehicle accident. She sustained compound fracture to right humerus, lacerated wound 1x1 c.m. Over lower part of right upper arm outer aspect and pain on the chest. The doctor issued a disability certificate stating that she was having 14% permanent disability to particular organ. But on the box, the doctor admitted that appellant was having 11.3% whole body disability. The Tribunal fixed the disability as 7%, and awarded a compensation of Rs.20,160/= for permanent disability, Rs.3000/= for loss of amenities and happiness in life, Rs.9000/= for pain and sufferings and Rs.4500/= for loss of earnings. Thus the total amount of Rs.40,984/= was awarded as compensation. The total claim was Rs.60,000/=.

2. The learned counsel appearing for the appellant submits that appellant was treated as an inpatient for 26 days and hence the amount awarded for pain and sufferings is too low. It is also contented that the Tribunal ought to have taken 11.3% as the whole body disability, and should not have readuced it to 7%. In addition to the amount awarded for permanent disability, the Tribunal has also awarded amount towards Los of amenities and happiness in life and also for pain and sufferings. Hence, I agree with the view taken by the Tribunal. The amount of Rs.40,984/= awarded as compensation is reasonable. Therefore, there is no scope for enhancement of the compensation. The appeal is only to be dismissed.

In the result, the appeal is dismissed.

**K.PADMANABHAN NAIR,
JUDGE**

nj.